STATUTORY INSTRUMENTS

1981 No. 965 (S.95)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment (No. 2) Regulations 1981

Made - - - -	*2nd July* 1981
Laid before Parliament	*10th July* 1981
Coming into Operation	*1st August* 1981

In exercise of the powers conferred on me by sections 19 and 108(1) of the National Health Service (Scotland) Act 1978**(a)** and of all other powers enabling me in that behalf, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment (No. 2) Regulations 1981 and shall come into operation on 1st August 1981.

(2) In these regulations "the principal regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974**(b)**.

Amendment of principal regulations

2. In paragraph (2) of regulation 6 of the principal regulations, after the words "the Board shall", there shall be inserted the words ", subject to the provisions of section 20(1A) of the National Health Service (Scotland) Act 1978**(c)**,".

3. In paragraph (1) of regulation 13 of the principal regulations, after the words "the refusal", there shall be inserted the words "by the Committee".

G. Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
2nd July 1981.

(a) 1978 c. 29; section 19 was amended by section 7 of the Health Services Act 1980 (c. 53).
(b) S.I. 1974/506; there are no relevant amending instruments.
(c) Section 20(1A) was inserted by Article 4(1) of the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981 (S.I. 1981/432).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974 ("the principal regulations"). They are consequential on the making of the European Communities (Medical, Dental and Nursing Professions) (Linguistic Knowledge) Order 1981 ("the 1981 Order"), which comes into operation on 1st August 1981.

Regulation 2 of these Regulations qualifies the duty imposed, by Regulation 6(2) of the principal regulations, upon a Health Board to refer an application by a doctor for inclusion in a medical list to the Medical Practices Committee by making this duty subject to section 20(1A) of the National Health Service (Scotland) Act 1978 ("the 1978 Act"), which is inserted by Article 4(1) of the 1981 Order and which, in certain circumstances, prohibits a Health Board from referring such an application to the Medical Practices Committee where the Health Board is not satisfied that the applicant has a satisfactory knowledge of English.

Regulation 3 of these Regulations amends Regulation 13(1) of the principal regulations by making it clear that a doctor can only appeal to the Secretary of State against the refusal by the Medical Practices Committee of an application for inclusion in the medical list. This is consequential upon the amendment made to section 33(5) of the 1978 Act by Article 4(2) of the 1981 Order.

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